

PATENT

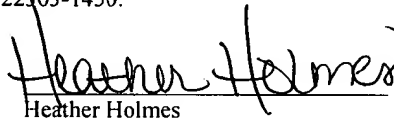
MS150900.02/MSFTP228US



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Date: October 4, 2004

  
Heather Holmes

DAC  
\$  
#15

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re patent application of:

Applicants: Eric Horvitz, *et al.*

Serial No: 09/596,365

Filing Date: June 17, 2000

Examiner: Larry D. Donaghue

Art Unit: 2154

**RECEIVED**

OCT 08 2004

OFFICE OF PETITIONS

Title: NOTIFICATION PLATFORM ARCHITECTURE

**Mail Stop DAC  
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P.O. Box 1450  
Alexandria, VA 22313-1450**

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**PETITION TO REVIVE APPLICATION**

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Dear Sir:

The above-identified application became erroneously abandoned under the assertion that applicants failed to timely file a Reply to the Office Letter Mailed January 14, 2004 in the above-identified application, a copy of which is attached hereto. Accompanied with this Petition is a copy of Applicants' Request for Continued Examination as filed May 3, 2004 and the United States Patent and Trademark Office's Auto-Reply Facsimile Transmission as received May 3, 2003, attached hereto as Exhibit A.

Accordingly, the subject Notice of Abandonment was issued based on an error by the Patent Office (noting the Request for Continued Examination was not received when it in fact was).

In view of the foregoing, it is respectfully submitted that the abandonment of this application was the result of an error by the Patent Office, and thus was clearly unintentional and without deceptive intent. Moreover, applicants' respectfully request that the Petition to Revive said application be granted.

Since the above identified utility application was filed on or after June 8, 1995, no terminal disclaimer is required.

Applicants' representative submits that **no fee is due** for this Petition since the abandonment was due to an error made by the Patent Office, and since the Request for Continued Examination was timely filed. However, in the event a fee is still due, a credit card payment form for the Petition Fee of \$1,370.00 is filed concurrently herewith in connection with this document. In the event any additional fees may be due and/or are not covered by the credit card, the Commissioner is authorized to charge such fees to Deposit Account No. 50-1063 [MSFTP228US].

Respectfully submitted,  
AMIN & TUROCY, LLP



Himanshu S. Amin  
Reg. No. 40,894

AMIN & TUROCY, LLP  
24<sup>TH</sup> Floor, National City Center  
1900 E. 9<sup>TH</sup> Street  
Cleveland, Ohio 44114  
Telephone: (216) 696-8730  
Facsimile: (216) 696-8731



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/596,365	06/17/2000	ERIC J. HORVITZ	1018.101US1	1982

27195 7590 09/02/2004

AMIN & TUROCY, LLP  
24TH FLOOR, NATIONAL CITY CENTER  
1900 EAST NINTH STREET  
CLEVELAND, OH 44114

EXAMINER

DONAGHUE, LARRY D

ART UNIT PAPER NUMBER

2154

DATE MAILED: 09/02/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

8

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**Notice of Abandonment**

Application No.

09/596,365

Examiner

Larry D Donaghue

Applicant(s)

HORVITZ ET AL.

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 01/14/2004.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☐ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

LARRY D. DONAGHUE  
PRIMARY EXAMINER

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

## Auto-Reply Facsimile Transmission

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1 (including cover page)

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Cover  
Page

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05/03/2004 14:59 FAX 216 696 8731 AMIN, & TROCZY LLP. 0001

PTO/SB/20 (Rev. 03)  
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U.S. Patent and Trademark Office U.S. DEPARTMENT OF COMMERCE

Under the Patent Reduction Act of 1952, no person is required to respond to a collection of information if it does not display a valid Post-Office number.

Request For Continued Examination (RCE) Transmittal	
Application Number	09/596,365
Filing Date	June 17, 2000
First Named Inventor	Eric J. Horvitz
Art Unit	2154
Examiner Name	Zarni Marang
Attorney Docket Number	MS150900.02/MSFTP228US

Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** (Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).)

a. ☒ Previously submitted on April 17, 2004, if a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_

ii. ☐ Other \_\_\_\_\_

b. ☐ Enclosed

i. ☐ Amendment/Reply

ii. ☐ Information Disclosure Statement (IDS)

iii. ☐ Affidavit(s) Declaration(s)

iv. ☐ Other \_\_\_\_\_

2. **Miscellaneous**

a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.179 required)

b. ☐ Other \_\_\_\_\_

3. **Fee** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed. The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 50-1063

a. ☒ RCE fee required under 37 CFR 1.17(e)

b. ☒ Extension of time fee (37 CFR 1.130 and 1.17)

ii. ☒ Other Any other fees that may be due \_\_\_\_\_

b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed

c. ☐ Payment by credit card (Form PTO-2028 enclosed)

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Signature	Registration No. (Attorney/Agent)
Himanshu S. Amin		140,894
		Date May 3, 2004

CERTIFICATE OF MAILING OR TRANSMISSION

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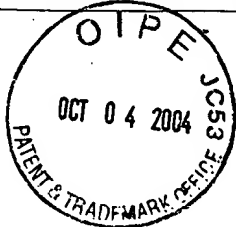
Name (Print/Type)	Signature	Date
Himanshu S. Amin		May 3, 2004

The collection of information is required by 37 CFR 1.114. The information is gathered to obtain or create a benefit by the public which is to the (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing the burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, 1155 Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PAGE 1/1 ' RCVD AT 5/3/2004 4:03:56 PM [Eastern Daylight Time] ' SVR:USPTO-EFAX/15 ' CMB:8729306 ' CSID:216 696 8731 ' DURATION (min-ss):01:48

EXHIBIT  
A



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**Request  
 For  
 Continued Examination (RCE)  
 Transmittal**

Address to:  
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Application Number	09/596,365
Filing Date	June 17, 2000
First Named Inventor	Eric J. Horvitz
Art Unit	2154
Examiner Name	Zarni Maung
Attorney Docket Number	MS150900.02/MSFTP228US

**This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.**  
 Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

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- a. ☒ Previously submitted on April 17, 2004. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- ii. ☐ Other \_\_\_\_\_
- b. ☐ Enclosed
- i. ☐ Amendment/Reply
- iii. ☐ Information Disclosure Statement (IDS)
- ii. ☐ Affidavit(s)/ Declaration(s)
- iv. ☐ Other \_\_\_\_\_

2. **Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other \_\_\_\_\_

3. **Fees**

- The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.  
 The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 50-1063
- a. ☒ RCE fee required under 37 CFR 1.17(e)
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- iii. ☒ Other Any other fees that may be due
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Alexandria, VA 22313-1450

Application Number	09/596,365
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First Named Inventor	Eric J. Horvitz
Art Unit	2154
Examiner Name	Zami Maung
Attorney Docket Number	MS150900.02/MSFTP228US

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**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print/Type)	Himanshu S. Amin	Registration No. (Attorney/Agent)	40,894
Signature		Date	May 3, 2004

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Name (Print/Type)	Himanshu S. Amin	Date	May 3, 2004
Signature			

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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